

To: Mayor and Members of Tillsonburg Council

From: Heather St. Clair, Development Planner, Community Planning

Application for Zone Change- Removal of Holding Provision ZN 7-18-13 –Performance Communities Realty Inc.

REPORT HIGHLIGHTS

- The application for zone change proposes to remove the holding provision from Phase 2 of the Andrews Crossing subdivision. The appropriate servicing works have been completed and development agreements will be signed imminently. Removal of the holding provision will allow for the issuance of building permits.
- Phase 2 consists of 80 single detached dwelling lots, 2 lots for 8 street fronting townhouse dwellings, and the extension of Denrich Avenue, Reid Street, and Wilson Avenue.
- Planning staff are recommending approval of the application, as sufficient water and wastewater capacity is available for the development.

DISCUSSION

Background

OWNER: Performance Communities Realty Inc.
1 Barrie Boulevard, St. Thomas ON N5P 4B9

LOCATION:

The subject lands are legally described as Block 81, Registered Plan 41M-329, Town of Tillsonburg. The lands are located east of Quarter Town Line Road, south of Concession Street West, and front on extensions to Wilson Avenue, Denrich Avenue, Reid Street, and Lowrie Crescent, in the Town of Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	Residential
Schedule "T-2"	Town of Tillsonburg Residential Density Plan	Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning:	Low Density Residential Type 1A Holding Zone (R1A-H) Special Low Density Residential Type 1A Holding Zone (R1A-18H) Special Low Density Residential Type 1A Holding Zone (R1A-19H) Special Low Density Residential Type 1A Holding Zone (R1A-20H) Low Density Residential Type 2 Holding Zone (R2-H) Special Low Density Residential Type 2 Holding Zone (R2-14H) Special Low Density Residential Type 2 Holding Zone (R2-15H) Special Low Density Residential Type 3 Holding Zone (R3-13H)
Proposed Zoning:	Low Density Residential Type 1A Zone (R1A) Special Low Density Residential Type 1A Zone (R1A-18) Special Low Density Residential Type 1A Zone (R1A-19) Special Low Density Residential Type 1A Zone (R1A-20) Low Density Residential Type 2 Zone (R2) Special Low Density Residential Type 2 Zone (R2-14) Special Low Density Residential Type 2 Zone (R2-15) Special Low Density Residential Type 3 Zone (R3-13)

PROPOSAL:

The purpose of the Application for Zone Change is to remove a holding provision on the subject lands to allow for the development of single detached dwellings and street fronting townhouse dwellings.

The subject lands are located east of Quarter Town Line, north of Sanders Crescent and west of Lowrie Crescent and have an area of approximately 6.4 ha (15.8 ac). Surrounding land uses include primarily low density residential development, consisting of single detached dwellings and street fronting townhouses. The subject lands are currently vacant and are being serviced.

Appropriate development agreements have been drafted and are being reviewed by the developer and the Town and County and signing of the subdivision agreement is imminent. The owner has now requested that the holding provision on the lands be lifted to allow for the issuance of building permits for the lands within Phase 2 of Andrews Crossing once the plan of subdivision has been registered.

Plate 1, Proposed Registered Plan, provides the proposed lots to be registered as part of Phase 2 of Andrews Crossing.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions “shall be consistent with” all policy statements issued under the Act.

Section 1.1.3.1 of the PPS states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted. Section 1.1.1 provides that healthy liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs; and avoiding development and land use patterns which may cause environmental or public health and safety concerns.

OFFICIAL PLAN:

The subject lands are designated 'Low Density Residential' according to the Official Plan. Within the 'Low Density Residential' designation, permitted land uses are primarily low density housing forms including single detached dwellings, duplexes and street fronting town houses and accessory uses. The use of the lands for single detached dwellings and accessory uses thereto conforms to the 'Low Density Residential' policies of the Official Plan.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'R1A (H)' 'R1A-18(H)', 'R1A-19(H)', 'R1A-20(H)' 'R2(H)', 'R2-14(H)', 'R2-15(H)', 'R3-13(H)' according to the Town of Tillsonburg Zoning By-law.

Section 36 of the Planning Act governs the use of Holding Provisions. Holding provisions are typically used to ensure that technical or administrative matters are addressed prior to the intended use of a property being permitted. Removal of holding provisions does not require public notice or circulation of the application, and the only right to appeal lies with the applicant.

In this instance, holding provisions were applied to ensure that appropriate development agreements are in place and adequate water and wastewater capacity is assigned to the development prior to the construction of dwelling units.

The applicant proposes to remove the holding provision to allow the lands to be used for residential purposes as is intended.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal. The Town Building Services Department and Town Engineering Services Department indicated that they have no concerns with the request to remove the holding provision from the lands. The Oxford County Public Works Department indicated that they have no objection to the request, as there is adequate water and wastewater treatment capacity to service the proposed development.

Planning Analysis

It is the opinion of this Office that the proposed zoning application is consistent with the policies of the Provincial Policy Statement and is in keeping with the policies of the Official Plan and can therefore be supported from a planning perspective.

Oxford County Public Works Department have confirmed that there is sufficient water and wastewater capacity available to service the proposed development and Town staff have indicated that they have no objection to the removal of the holding provision as the appropriate development agreements have been drafted and are expected to be signed imminently. The subdivision requirement is required to be signed and registered on title of the subject lands prior to the final approval and registration of the plan of subdivision.

It is Planning staff's opinion that the request to remove the holding provision within Phase 2 of Andrews Crossing to allow for residential development in the form of single detached dwellings and street fronting townhouses is appropriate from a planning perspective and can be given favourable consideration.

A copy of the draft amending by-law is attached for Council's consideration.

RECOMMENDATION

That the Council of the Town of Tillsonburg approve the zone change application, File No. ZN 7-17-11, as submitted by Performance Communities Realty Inc., for lands described as Block 81, Registered Plan 41M-329, in the Town of Tillsonburg, to rezone the subject lands to remove the Holding Provision from properties within Phase 2 of Andrews Crossing.

SIGNATURES

Authored by:

"original signed by"

Heather St. Clair, MCIP RPP,
Development Planner

Approved for submission: *"original signed by"*

Eric Gilbert, MCIP RPP,
Senior Planner

Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:



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